

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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WASHINGTON, D.C. 20554

In the Matter of)
) CC Docket No. 96-23
Revision of)
Filing Requirements)

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NYNEX COMMENTS

The NYNEX Telephone Companies¹ ("NYNEX") hereby comment on the Commission's Notice of Proposed Rulemaking (NPRM) in the above-captioned matter.

In the NPRM, the Commission proposes to eliminate or modify 19 different reports that are currently filed by local exchange and/or interexchange carriers. NYNEX supports the Commission's proposal. It will reduce the regulatory burden on the telecommunications industry and conserve Commission resources without impacting the Commission's ability to carry out its statutory duties.

I. ELIMINATION OF DIVESTITURE-RELATED REPORTS

The Commission proposes to eliminate three reports that were mandated by the Commission's AT&T Divestiture Order.² As NYNEX previously indicated in its July 14, 1995 Comments, while these reports may have been necessary or useful back in 1983 at the time of divestiture, they are no longer needed today. For example, the equal access reports are not necessary since NYNEX now offers equal access in all of its end offices.

¹ The NYNEX Telephone Companies are New England Telephone and Telegraph Company and New York Telephone Company.

² 96 FCC 2d 18 (1983), modified, 98 FCC 2d 141 (1984).

NYNEX is not aware of any consumer benefits that are derived from these reports and much of the information is available elsewhere. These antiquated reporting requirements should therefore be eliminated.

II. ELIMINATION OF OTHER REPORTS

Among other reports, the Commission also proposes to eliminate:

- (1) the quarterly BOC CPE installation and maintenance report and annual affidavit;
- (2) the BOC sales agency program and vendor support program report;
- (3) the billing and collection contracts report; and
- (4) the report on inside wiring services.

NYNEX agrees that all of these reports are unnecessary and should be eliminated.

As the Commission notes in the NPRM, in the eight years since the Commission established the CPE installation and maintenance report and annual affidavit requirements, there have been no formal complaints from any party alleging unlawful discrimination by a BOC in the provision of installation and maintenance services for unaffiliated CPE vendors. Moreover, in the fiercely competitive environment that exists in the NYNEX region, it is unlikely that any discrimination, if it did occur, would go unnoticed or escape complaint for very long. It is also unlikely that BOCs would discriminate against unaffiliated sales agents since increased competition means that NYNEX will be seeking to expand its sales channels, not diminish them. The Commission should therefore eliminate the CPE and sales agency reports.

With respect to the billing and collections report, NYNEX sees no benefit to the public or the Commission by continuing to require LECs to list the billing and collection

contracts that it has entered into. If the Commission needs to obtain a copy of a billing contract in order to resolve a complaint, it has ample authority to do so. Similarly, the inside wire report merely contains copies of state laws or regulation regarding inside wiring services. LECs would undoubtedly agree to provide the Commission with a copy of a particular state law if the Commission could not otherwise obtain such information from other sources. Both of these reports are thus unnecessary and should be eliminated.

III. REDUCTION OF REPORTING FREQUENCY

In its March 20, 1996 Order in this proceeding, the Commission ordered that LECs may now file ARMIS quality of service reports on an annual basis. This requirement is prescribed by Section 402(b)(2)(B) of the Telecommunications Act of 1996. Therefore, the proposal in the NPRM is moot.

NYNEX agrees with the Commission's proposal to require LECs to file the new service tracking report on an annual rather than a quarterly basis. These reports allow the Commission to assess the accuracy of new service projections made by price cap carriers. However, as the Commission notes in the NPRM, this purpose can still be accomplished through review of annual reports.

The Commission also proposes that the report on unsecured credit to political candidates be filed annually rather than semi-annually. This report shows amounts due and unpaid for communications services provided by common carriers on an unsecured credit basis. The Commission notes that the purpose of this report is to check on the implied contributions by carriers to candidates for federal office. This purpose can still be achieved by requiring that the report be submitted annually rather than semi-annually.

IV. OTHER REPORTS SHOULD ALSO BE ELIMINATED

NYNEX supports the proposed elimination or modification of the reports discussed in the NPRM. However, the Commission should also commence a rulemaking proceeding to eliminate other reports, specifically the myriad of (ONA) reports.

Currently, NYNEX is required to file an annual ONA non-discrimination affidavit, an annual ONA report, semi-annual ONA reports, and quarterly parity reports. The time and effort required to collect and compile data, and to produce these reports is costly and burdensome to NYNEX. It is also burdensome for the Commission to collect, examine and file these reports from the seven RBOCs and GTE.

Although these reports and affidavits may have been useful to the Commission when the Commission was initially attempting to create the ONA environment and foster the development of an Enhanced Service Provider (ESP) industry, NYNEX believes that both the industry and the environment have matured and these reports and affidavits are no longer necessary. ESPs can avail themselves of the complaint process if they feel that they are not being treated fairly, and the Commission can monitor industry behavior through this process. In addition, the ONA User Guide, the Information Industry Liaison Committee, and the 120 day ONA service request process will continue to exist as important tools for ESPs to gain access to the BOCs' network.

The Commission should therefore initiate a proceeding to consider the elimination or reduction of the ONA-related reporting requirements.

V. **CONCLUSION**

NYNEX supports the Commission's proposal to eliminate or modify the reports discussed in the NPRM. The Commission should also initiate a proceeding to eliminate or modify the ONA-related reporting requirements.

Respectfully submitted,

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